

**FILED**

MAR 11 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

United States Attorney
Northern District of California

9th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

(415) 436-6967

FAX: (415) 436-6748

February 29, 2008

Via First Class Mail

Jeffrey W Tam
408 Yorkshire Road
Alameda, CA 94501

Re: Jeffrey W. Tam v. John E. Potter, Postmaster General, United States Postal Service
C 07-02747 SI

Dear Mr. Tam,

I write to respond to your February 19, 2008 and February 27, 2008 Employment Discrimination Complaint - Amendment #2. Pursuant to Federal Rule of Civil Procedure 15(a), because defendant has already answered your complaint, you may only amend your complaint by leave of court or written consent of defendant. While defendant will consider your proposal to amend the complaint to include an allegation that "create mental stress for the Plaintiff," defendant does not consent to your proposal to include "Hate crime against the Plaintiff" because it fails to state a claim. It appears that you are seeking leave to file criminal charges in a civil lawsuit.

I also write in response to your objections that defendant failed to provide the "original bid assignment sheet with the driver signatures for year 2002" and various information regarding listed "candidates who became the Bulk Mail Supervisors." First, as I have previously explained, defendant cannot produce the original of any document to you. Rather, defendant has produced true copies of documents responsive to your requests. Second, the information described in your January 8, 2008 objections regarding the listed "candidates who became the Bulk Mail Supervisors" has not been the subject of any of your discovery requests.

Should you have any questions or concerns about the foregoing, please contact me at (415) 436-6967.

Very truly yours,

JOSEPH R. RUSSONIELLO
United States Attorney

JENNIFER S WANG
Assistant United States Attorney

1 Jeffrey W. Tam
2 408 Yorkshire Road
3 Alameda, Ca 94501

6 Date: March 10, 2008

8 To: Clerk, United States District Court
9 450 Golden Gate Avenue, Box 36060
10 San Francisco, California 94102

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16 JEFFREY W. TAM No. 07-2747 SI
17 Plaintiff EMPLOYMENT DISCRIMINATION
18 v. COMPLAINT - AMENDMENT
19 JOHN E. POTTER
20 Defendant Date: March 10, 2008

23 Re: Jeffrey W. Tam v. John E. Potter, Postmaster General, United States Postal Services
24 C07-02747 SI

26 Pursuant to the Federal Rule of Civil Procedure 15(a), plaintiff is amending the
27 Case No. C07-02747 JCS. Adding complaints #10.

29 1 Complainant's requests for a reassignment of a driving position and for a promotion were
30 denied.
31 2 On February 2, 2005, complainant's request of make changes in his work schedule was
32 denied.
33 3 On January 27, 2005, complainant's request for annual leave from February 9 through
34 11, 2005 was denied.
35 4 On February 12, 2005, management did not call complainant in for overtime.
36 5 On September 23, 2004, the manager approached complainant and intimidated him by
37 telling him, he wants to fight against the system.

No. 07-2747 SI

1 EMPLOYMENT DISCRIMINATION

2 COMPLAINT - AMENDMENT

3

4 6 To reinstate the # 5 complaint that the manager approached and intimidated me by telling
5 me to file a complaint or lawsuit. The manager did not intimidate other employees who
6 have filed the complaints.

7 7 Contract violation, violate the Collective Bargaining Agreement between American
8 Postal Worker Union, AFL-CIO and U.S. Postal Service, Article I Section 6 - Performance
9 of Bargaining Unit Work. Article 8 - Hours of Work, Article 14 - Safety and Health
10 Article 33 - Promotion, Article 34 - Work and/or Time Standard and Article 39 - Motor
11 Vehicle Craft.

12 8 Harrassment.

13 9 Human Right violation

14 The defendant maliciously set me the harsh working hours for the plaintiff. The
15 defendant intentionally violate the national agreement. The plaintiff is seeking for the
16 purity damages.

17 10 Create mental stress for the Plaintiff

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

1 CASE NO. 07-02747 SI

2

3 CERTIFICATE OF SERVICE

4 The undersigned hereby certifies that he is an employee of the United
5 States Postal Services. The undersigned certifies that this complaint is
6 served by First Class Mail.

7

8 Clerk, United States District Court
9 450 Golden Gate Avenue, Box 36060
10 San Francisco, California 94102

11

12

13

14 I declare under penalty of perjury under the laws of the United States
15 that the foregoing is true and correct.

16 Executed on March 10, 2008 at Alameda, California

17

18

19 

20 Jeffrey W. Tam

21

22 408 Yorkshire Road
23 Alameda, Ca 94501